

June 13, 2016

Permit Supervisor, Utah Coal Regulatory Program  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, UT 84114-5801

Re: Revision to M&RP to Modify Raptor Survey Commitments, Sufco Mine, Canyon Fuel Company, LLC, Permit Number C/041/0002

Dear Sirs:

Please find enclosed with this letter a copy of the amendment related to conversations concerning annual report raptor survey information submitted for 2015 which proved to be unclear. Commitments have been revised in the text pertaining to the timing and extent of raptor information to be submitted to the Division.

If you have questions or need addition information please contact Vicky Miller at (435)286-4481.

CANYON FUEL COMPANY, SUFCO Mine

  
for

Kenneth E. May  
General Manager

Encl.

cc: DOGM Correspondence File

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JUN 17 2016  
DIV. OF OIL, GAS & MINING

# APPLICATION FOR COAL PERMIT PROCESSING

## Detailed Schedule Of Changes to the Mining And Reclamation Plan

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Sufco Mine

Permit Number: C/041/002

**Title:** Revision to M&RP to Modify Raptor Survey Commitments

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

**DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED**[illegible]

**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

June 10, 2016

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# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Sufco Mine

**Permit Number:** C/041/0002

**Title:** Revision to M&RP to Modify Raptor Survey Commitments

**Description,** Include reason for application and timing required to implement:

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: Disturbed Area: \_\_\_\_\_ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☐ Yes ☒ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☐ Yes ☒ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies?
- Explain:* \_\_\_\_\_
- ☐ Yes ☒ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☐ Yes ☒ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☐ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☐ Yes ☒ No 19. Does the application require or include certified designs, maps or calculation?
- ☐ Yes ☒ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach one (1) review copy of the application.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

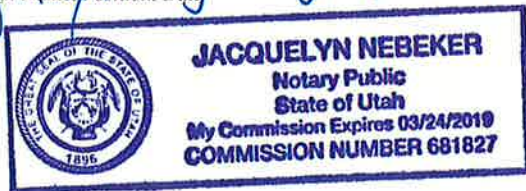
Jacob D. Smith  
Print Name

J. Smith, Engr. Mgr., 6/10/16  
Sign Name, Position, Date

Subscribed and sworn to before me this 10 day of June, 2016

Jacquelyn Nebeker  
Notary Public

My commission Expires: \_\_\_\_\_, 20\_\_\_\_ }  
Attest: State of \_\_\_\_\_ } ss:  
County of \_\_\_\_\_



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~~Any Areas with suitable habitat where raptor nests could be adversely affected by subsidence will be monitored during the year that it will be subsided for both known and potential new. When needed the nests will be surveyed on a yearly basis using aerial or ground surveys near the end of May. Known raptor nests are shown on Plate 3-3, refer to Section 3.3.3.3 for additional raptor information.~~

Information about raptors specific to the Pines Tract Project area is provided in the VWP report (Appendix 3-9). Information about raptors specific to the Muddy Tract area is provided in the Cirrus report (Appendix 3-11). Information about raptors specific to the West Coal Lease Modifications are summarized in Appendix 3-13.

#### Elk

The elk herd (#14) is a significant wildlife resource to the citizens of Utah and there is considerable hunting pressure. Winter and summer range is in generally good conditions, but drought is an immediate concern (Big Game Annual Report, 1991).

Although the potential area of impact is not critical to the continued existence and perpetuation of the herd, it is important to maintenance of current population levels, and portions of the entire lease area are used annually on a seasonal basis. The aspen areas of Duncan Mountain serve as calving areas for the small herd, (10-20 animals observed during the 1980 summer in that area) but based on pellet counts (WIL, Table 7) the major portion of the lease area is utilized in late fall, winter, and early spring.

In May, while there was still snow on the ground, considerable fresh elk sign (pellets and tracks) was found around the Acord Lakes. By June 5, 1980, when access was available to the other areas, elk tracks were concentrated in the ponderosa, mahogany, aspen and manzanita communities along the ridges and rims of the canyon, plus in the canyons such as Duncan's Draw and Lizonbee Springs. During the summer the elk and elk signs were sighted near the top of Duncan Mountain and at the head of the South Fork of Quitcupah. It seems that the elk in question do not always winter on the rims nor the plateau but in the lower elevation areas to the southeast. This observation was substantiated by a conversation with a local forest ranger out of

history. During winter, wildlife are often in a delicate energy state and unnecessary disturbance by man causes them to use up critical and limited energy reserves that may result in mortality. In less severe cases the fetus being carried by gestating mammals may be reabsorbed or aborted thus reducing reproductive success and productivity of the population. Surface activities are curtailed from November 1 through April 1, and between May 1 and July 1 in the calving area, except in the portal areas, so as not to disturb wintering elk. Employees will be encouraged to report violators to the proper company and management authorities for reprimand or prosecution. Employees should be impressed that they as hunting and recreation users stand to gain the most by preserving what they have in proximity to their places of work and abode.

Livestock and wildlife will be protected from the effects of mining related subsidence to the extent possible. Surface cracks that open to the point of creating a physical hazard to livestock and wildlife will be mitigated. This mitigation may include but not limited to backfilling the cracks with available local native materials and soil, partially backfilling with imported fill, or simply reshaping of the nearby ground surface to lessen the offset or abruptness of the crack faces and depth. The repaired areas will then be reseeded with a seed mix appropriate to the area and one approved by the Division and land owner/agency. Several such mitigation efforts have already been successfully conducted in the Quitcupah and Pines Tract areas.

Subsidence induced seismicity has not been noted to have an adverse impact on livestock or wildlife in the existing mined portions of the Sufco permit area. It is not anticipated the impact to wildlife and livestock due to mining induced seismicity will change or increase as the permit area is expanded into new lease areas.

Areas with suitable habitat for raptor nesting that have a potential to be disturbed by subsidence caused by mining will be surveyed using aerial or ground surveys prior to mining. Any Raptor nests that have a potential to be disturbed by subsidence will be evaluated with the DWR and FWS. Division of Oil Gas and Mining and with DWR/FWS if required. ~~will be informed in advance when such an evaluation is necessary.~~ Following the evaluation an appropriate plan of action will be developed on a case by case basis. The applicant will obtain any permits necessary for disturbance of the nest if this is the course of action decided upon.

A summary of the information reported in the raptor survey (annual) and the survey will be provided to the Division within three months following the receipt and review of the survey by the permittee. The summary will include a drawing correlating the surveyed nest locations with the areas of potential subsidence anticipated at the time of report submittal.